

**REMARKS**

Amendments to claims 16, 32, and 48 are to correct antecedent basis and for the purpose of clarifying what Applicant regards as the invention. Amendments to claims 1, 17, 33, 49, and 52 are for the purpose of clarifying what Applicant regards as the invention. No new matter has been added.

**I. CLAIM REJECTIONS UNDER U.S.C. § 102**

Claims 1-11, 14-27, 30-43, and 46-54 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,269,140 (Takagi). Applicants respectfully note that in order to sustain a claim rejection under § 102, each of the claimed elements must be disclosed, either expressly or inherently, in the cited reference.

**Claims 1, 17, and 33**

Claim 1 has been amended to recite determining a number of intervals  $N$  into which a respiratory cycle is to be divided, wherein the number of intervals  $N$  is greater than one, determining a number of respiratory cycle(s)  $M$  to be covered in one gantry rotation, and rotating a gantry to collect at least  $M \times N$  sets of CT image data of at least a portion of a patient, wherein each set of the CT image data corresponds to a phase of a respiratory cycle. Claims 17 and 33 have been amended to recite similar limitations. According to the Office Action, Takagi allegedly discloses obtaining “one set” of CT image data, and since claims 1, 17, and 33 do not limit the number of intervals  $N$  to be more than one, these claims are allegedly anticipated by Takagi. Claims 1, 17, and 33 have been amended to clarify that the value  $N$  is greater than one. For at least the foregoing reason, claims 1, 17, and 33, and their respective dependent claims, are believed allowable over Takagi.

Applicant further notes that there is nothing in the cited passages (column 5, lines 45-62, column 7, lines 4-20, and claims 13 and 17) of Takagi that discloses or suggests determining a number of intervals  $N$  into which a respiratory cycle is to be divided, nor does Takagi disclose or suggest determining a number of respiratory cycle(s)  $M$  to be covered in one gantry rotation, and rotating a gantry to collect at least  $M \times N$  sets of CT image data of at least a portion of a patient,

wherein  $N$  is greater than one, as recited in claims 1, 17, and 33. In addition, Takagi does not disclose or suggest that the number of sets of CT image data is equal to  $M \times N$ , wherein  $N$  equals to a number of intervals into which a respiratory cycle is divided and is greater than one, and  $M$  is a number of respiratory cycle(s) covered in one gantry rotation. For these additional reasons, claims 1, 17, and 33, and their respective dependent claims, are believed allowable over Takagi.

Claims 49 and 52, and new claim 55

Claim 49 has been amended to recite determining a number of intervals  $N$  into which a breathing cycle of the patient is to be divided, and rotating a gantry at least  $N$  times to acquire image data of at least a part of the patient, wherein the number of intervals  $N$  is greater than one. Claim 52 and new claim 55 recite similar limitations. According to the Office Action, Takagi allegedly teaches a number of interval that is equal to "one." Claims 49 and 52 have been amended to clarify that the value  $N$  is greater than one. For at least the foregoing reason, claims 49, 52, and 55, and their respective dependent claims, are believed allowable over Takagi.

Applicant further notes that there is nothing in the cited passages (column 5, lines 45-62, column 7, lines 4-20, and claims 13 and 17) of Takagi that discloses or suggests a number of intervals  $N$  into which a breathing cycle of the patient is to be divided, and rotating a gantry at least  $N$  times to acquire image data of at least a part of the patient, wherein  $N$  is greater than one, as recited in claims 49, 52, and 55. Takagi also does not disclose or suggest that the number of gantry rotation is equal to the number of intervals into which a breathing cycle is to be divided (in fact, there is nothing in Takagi that discloses or suggests dividing a breathing cycle into a number of intervals that is greater than one). For these additional reasons, claims 49, 52, and 55, and their respective dependent claims, are believed allowable over Takagi.


**CONCLUSION**

Based on the foregoing, all pending claims are believed in condition for allowance. If the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number **703143001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number **7031432001**.

Respectfully submitted,  
Bingham McCutchen LLP

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By:   
Gerald Chan  
Reg. No. 51,541

Bingham McCutchen LLP  
Three Embarcadero Center, Ste. PL2  
San Francisco, California 94111-4074  
Telephone: (650) 849-4960  
Facsimile: (650) 849-4800